

REMARKS

OF

HON. S. P. CHASE, OF OHIO,

ON

THE BILL GRANTING TO THE STATE OF OHIO THE UNSOLD  
LANDS REMAINING WITHIN THAT STATE.

IN THE SENATE OF THE UNITED STATES, APRIL 14, 1852.

The morning hour not having expired, and during the presentation of petitions Mr. CHASE said:

Mr. PRESIDENT: I wish to ask a favor of the Senate this morning. I have never before made such a request, and hope I shall not ask in vain. A bill granting the unsold residue of the public lands in Ohio, which, at the present time, are reduced to only two hundred thousand acres, by the process of sales which has been going on more than sixty years, stands second upon the calendar. I am obliged to leave my seat for a few days; and unless the bill is taken up now, it can hardly receive the action of the House at the present session. But, desirous as I am to take it up, I pledge myself that if it takes over half an hour, I will consent to lay it upon the table, and submit to the inconvenience. I therefore move to postpone the previous orders, with the view of taking up that bill.

Several SENATORS. Let us take up the bill.

Mr. MANGUM. I hope we will not take it up. I have a resolution which I wish to introduce.

Mr. DAVIS. And I have another.

The PRESIDENT. Neither reports nor resolutions have been called for. The motion is to postpone all other business to take up the bill named by the Senator from Ohio.

The motion to postpone was agreed to, and the Senate proceeded, as in Committee of the Whole, to the consideration of the bill to grant to the State of Ohio the unsold and unappropriated public lands remaining in that State, which was reported from the Committee on Public Lands, with various amendments;

Mr. CHASE. I hope the amendments of the Committee will be agreed to.

Mr. DAWSON. I wish to ask a question for information. The reservations of Indian lands are put down at fifty-five cents per

acre. Has the General Government the right of fixing the price of lands reserved for Indians under treaty? For if it is not in their power to dispose of the lands at that price, you will have an application to pay out of the Treasury the amount they could have obtained for these very lands.

MR. CHASE. The answer to that question is very short. The lands are not reserved to the Indians; they belong to the United States. The United States is bound to account to the Indians at the rate of one dollar and twenty-five cents per acre, reserving seventy cents per acre for charges incident to sales of the lands. There will remain, then, fifty-five cents per acre, in the event they be sold, which would go to the Indians. But, instead of waiting for a long period until they are sold, the State of Ohio is at once to pay into the Treasury fifty-five cents per acre, so that the Indians can get it without further delay. The lands have been offered for sale, and are subject to private entry.

MR. HUNTER. I understand this bill proposes to give the lands in the State of Ohio, which have not been sold, to that State. I should like to know how much land it is proposed to give?

MR. CHASE. If the Senator will allow the amendments to be acted upon, I will answer his question very briefly.

MR. HUNTER. Very well.

The amendments were agreed to.

MR. CHASE said: The bill now under consideration, Mr. President, is one of considerable importance to the people of Ohio. It grants to the State the unsold residue of the public lands within her limits, except that portion lying within the Virginia military district, which cannot be ceded without the consent of Virginia. The quantity of land granted is not large; but it is large enough to make the grant desirable to the State. Nor is the land of much value; but it is of much greater value to the State than to the General Government. The principal object of the measure is to terminate Federal ownership within the limits of the State; and I think the time has arrived when all will agree, that so far as Ohio is concerned, the proprietorship of the General Government should come to an end.

I ask the attention of Senators to a brief statement of facts which will exhibit clearly the merits of the bill.

The quantity of land, unsold in Ohio, on the 30th of September last, was only 216,070 acres. The quantity sold by the General Government in Ohio, up to that time, had been 12,616,909 acres. Besides these large sales there had been granted to the States of Connecticut and Virginia, as inducements to the cessions made by them to the United States, 7,376,769 acres; and to companies and individuals, mostly in large tracts and for resale, 1,485,564 acres; and to satisfy claims for military purposes, 1,564,997 acres. The aggregate quantity of lands for which the people of Ohio have had or have yet to pay the Government or its grantees, is, therefore, 23,016,484 acres. There have been reserved for Indians and Salines 40,547 acres. There remain, as I have stated, only

216,070 acres unsold. It follows, therefore, that the whole amount contributed by the United States, as the proprietor of this immense domain, to its improvement and preparation for sale, is only 2,273,859 acres. This includes all the grants for schools, colleges, religious purposes, and internal improvements.

The amount of money paid by the people of Ohio—the individual citizens of Ohio—into the Treasury of the United States, for the privilege of occupying and tilling the soil, is \$20,853,694. The sums paid to the grantees of the Government for lands granted to States, companies and individuals not included in the ordinary sales, estimating these lands at the minimum only, amount to \$13,036,968. The vast aggregate swells to \$33,890,664. Make every deduction from this sum which any fair consideration can suggest; exclude the value of the grants to individuals—such as the grants to John Cleves Symmes and the Ohio Company, and the grants for military services—and still the amount paid by the people of Ohio to this Government and its grantees, for the soil on which they live, and from which they draw, by honest toil, the means of life, will greatly exceed £300,000.

The history of the world does not afford another instance of the original ownership of wild lands being acquired by the inhabitants of any State or country at such a price.

I will now state somewhat more particularly the grants made to Ohio for Education, Internal Improvements, and other purposes, and compare their amount with similar grants made to other States.

The grants made to Ohio, are these :

For Schools, Colleges, &c.	-	-	-	727,528 acres.
For Internal Improvements	-	-	-	1,243,001 "
For Swamp Lands	-	-	-	303,329 "

In all - - - - - 2,273,858 "

The Senate will observe that I have included every grant of every kind made to the State. All the sections sixteen, for the use of schools—all the canal lands—all the swamp lands—are included; and the total is nearly 500,000 acres less than the single grant to the State of Illinois, in aid of her Central Railroad, at the first session of the last Congress.

But I invite attention to the grants made to other States, a little more in detail.

There have been granted to the State of Indiana :

For Schools, Colleges, &c	-	-	-	673,357 acres.
For Internal Improvements	-	-	-	1,609,861 "
For Public Buildings	-	-	-	2,560 "
For Swamp Lands	-	-	-	981,682 "

Making an aggregate of - 3,267,460

The grants to Indiana exceed the grants to Ohio by nearly 1,000,000 of acres.

There have been granted to Illinois—

For Schools, Colleges, &c	-	-	-	1,001,795 acres.
For Internal Improvements	-	-	-	500,000 "
For Public Buildings	-	-	-	2,560 "
For Swamp Lands	-	-	-	1,833,412 "
For Central Railroad	-	-	-	2,700,000 "

Making an aggregate of - 6,036,767 "

The quantity granted to the Central Railroad is not precisely ascertained. It is set down in the official tables at 2,246,400 acres; but these figures are certainly much below the real quantity. In the debate on the Iowa land bill, Senators who sustained the Illinois grant, stated the quantity to be from 2,500,000 to 2,700,000; and I have reason to believe the largest quantity is not outside the truth. It appears, then, that the grants to Illinois exceed the grants to Ohio by more than 3,700,000 acres.

There have been granted to Missouri—

For Schools, Colleges, &c	-	-	-	1,222,179 acres.
For Internal Improvements	-	-	-	500,000 "
For Public Buildings	-	-	-	2,560 "
For Swamp Lands	-	-	-	1,517,287 "

Making an aggregate of - 3,244,206 "

The grants to Missouri fall short of the grants to Illinois by 2,750,000 acres; but exceed the grants to Ohio by nearly 1,000,000 of acres.

There have been granted to Iowa—

For Schools, Colleges, &c.	-	-	-	951,224 acres.
For Internal Improvements	-	-	-	825,078 "
For Public Buildings	-	-	-	3,480 "
For Swamp Lands	-	-	-	33,813 "
Add Des Moines lands claimed, say	-	-	-	900,000 "

Making an aggregate of - 2,713,595 "

The grants to Iowa, the youngest of the land States, exceed the grants to Ohio, the oldest, except Tennessee, nearly 500,000 acres, while they fall short of the grants to Illinois by 2,250,000 acres.

I will not extend this comparison. I will merely add, that Alabama, alone, of all the land States, has not received grants largely exceeding the quantity granted to Ohio; that Alabama has received nearly as much, and that there remains in that State 15,426,566 acres undisposed of, of which I, for one, am ready to grant her enough, at any time, to make her equal, in this respect, to the most favored States. I will hand to the reporter a statement prepared early in this session at the General Land Office, at my instance, of the condition of the Public Lands up to the 30th of September last, by which any one so disposed, can test the accuracy of the statements I make.

I make no complaint of our sister States. I do not regret that they have received so much because Ohio has received comparatively little. I rejoice rather in the liberality which has been exhibited towards them, and congratulate them on their prosperity, promoted and stimulated by the wise and just beneficence of the National Government. May it increase more and more, and continue forever.

In truth, Mr. President, this prosperity, though promoted and stimulated, as I have just said, by the beneficence of the Government, is due, in a far greater measure, to individual energy and individual intelligence, assured of protection in their freest and fullest development by the strength of our American Union and the spirit of our American Institutions, and operating either directly or through voluntary associations and the State Governments. Of this great benefit, Ohio has partaken not less than her sister States. Unannoyed by external aggression, except for a short period during the second war with England, undisturbed by internal commotion, she has strenuously urged her upward way, without pause, for sixty-five years. For fifteen years, while a part of the Northwestern Territory, she shared the fostering care of the National Government. Admitted into the Union as a sovereign State in 1802, she cheerfully submitted to the condition imposed upon her, that the national domain within her limits should be reserved to the United States, as property exempt from taxation, to be sold and applied in discharge of the national indebtedness. And it was not till the debt of the Revolution had been fully paid, and the debt of the war of 1812 had been reduced to an inconsiderable amount, that Ohio ever applied for any grant of lands in aid of her works of internal improvement. Unassisted, her people bought their farms, felled the forest, built their log cabins, reared their schoolhouses, constructed their churches. Unassisted they joined the lake to the river by the Ohio canal, and thus completed the first internal waterway from the Atlantic Ocean to the Gulf of Mexico. Almost unassisted, this people, energetic and intelligent, extended their system of canals, making, among others, a second canal from the river to the lake; covered the surface of the State with a net-work of turnpikes and railways; improved their watercourses; and constructed their public edifices, among which they point as their chief glory to the various asylums for those, children of sorrow, the deaf, the dumb, the blind, and the insane.

I say, almost unassisted. Ohio alone of all the land States, except Tennessee, received no aid in the construction of her public buildings. Ohio, less than any other State, except Alabama, and less than Alabama if regard be had to the proportion of population or of unsold lands, has participated in the grants for internal improvements. While she has received less, she has, as I have already stated, paid more to the Government and the grantees of the Government than any other State. She has, besides, borne her full proportion of the indirect taxation of the tariff, and contributes, at this moment, nearly one tenth of the national revenue.

I submit to the Senate that an irresistible case has been made out for the grant of the residue of public lands in Ohio to the State. If anything were wanting, I might urge, in addition, the precedent of the grant to Tennessee in 1846. In that year, Congress terminated Federal ownership in that State, by the act "to surrender to the State of Tennessee all title the United States have to lands in Tennessee, south and west of the line commonly called the Congressional Reservation Line." Indeed the act went further than this. It released to the State the proceeds of lands already sold.

But the case of Ohio is even yet stronger. Had she received as much more than her sister States as she has received less; were there no such direct precedent as the case of Tennessee to be pleaded; there would still remain adequate, nay, controlling reasons for the grant.

Sixty-five years have elapsed since the commencement of the sales of public lands within the limits of Ohio—more than the period of two generations of men. The unsold residue has probably been in market for the average period of a quarter of a century. It does not, indeed, deserve the name of residue. It is a mere residuum. It very little exceeds in quantity two hundred thousand acres. It is less than one-hundredth part of the original domain. The cost to the General Government, of the two land offices in the State, during the last year, exceeded \$5,000; and now that land warrants have been made assignable and receivable for all lands, and must, therefore, hereafter constitute the chief, if not the sole currency in which payments will be made for the public domain, it is not probable that the receipts at these offices will defray their cost. The unsold residue, therefore, however valuable it may be to the State, is not worth keeping to the Government.

Besides, no statesman who has heretofore discussed the subject of the public domain, has ever suggested that the United States shall hold on to the lands with unrelaxing gripe, until the sale of the last acre and the payment of the last dollar and a quarter. On the contrary, all have concurred in the opinion that, at the proper time, the land States should be relieved from the disparagement of their proper sovereignty by national ownership of untaxed and untaxable lands within their limits, by cessions of the unsold residue. It was the opinion of a distinguished Senator from Missouri, not now a member of this body, [Mr. BENTON,] that these cessions should in all cases be made upon the reduction of the quantity in any State to 500,000 acres. I concur in this opinion. Indeed I should be better pleased with an earlier termination of Federal ownership. But, whatever may be thought as to the proper time, no one will question the propriety of such a cession at some time, and no one will doubt, I think, that in the case of Ohio, at least, that time has come.

I forbear to enlarge upon these considerations. I know the desire of the Senate to proceed to other business, and I cheerfully

submit this case of Ohio, believing it to be impregnable, to the liberality, to the wisdom, and, above all, to the justice of my fellow Senators.

The bill was reported to the Senate, and the several amendments, made as in Committee of the Whole, were concurred in.

After further debate by MESSRS. HUNTER, DAVIS, DAWSON, and SHIELDS, the ayes and noes having been ordered on motion of Mr. HUNTER, the question was taken on ordering the bill to be engrossed for a third reading, and resulted—yeas 28, nays 13; as follows:

YEAS—Messrs. Adams, Atchison, Borland, Cass, Chase, Clemens, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Geyer, Gwin, Hale, Hamlin, James, Jones of Iowa, King, Mallory, Rusk, Sebastian, Seward, Shields, Smith, Stockton, Sumner, Wade, and Walker—28.

NAYS—Messrs. Badger, Berrien, Bradbury, Broadhead, Clarke, Davis, Dawson, Hunter, Mangum, Norris, Spruance, Underwood, and Upham—13.

So the bill was ordered to be engrossed for a third reading.

On the following day, April 15th, the Senate resumed the consideration of the bill, which was, on motion of Mr. Chase and by unanimous consent, amended in some unimportant particulars, and passed, as follows:

AN ACT to grant to the State of Ohio the unsold and unappropriated public lands remaining in that State.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the public lands of the United States lying within the State of Ohio, which shall remain unsold and unappropriated from and after the thirty-first day of July, eighteen hundred and fifty-two, shall be, and the same are hereby granted to said State, to be disposed of as the legislature thereof shall direct: *Provided, however,* That this grant shall not in any manner affect any right of pre-emption or other right of any individual in or to any portion of said land; nor shall it be construed or regarded as including any land within the Virginia Military District in that State; *And provided also,* That the lands within the Indian Reserves the proceeds of which are by treaty stipulations required to be paid in part to certain Indians or Indian tribes, shall not be regarded as included in said grant until after the State of Ohio shall have paid to the United States for the use and benefit of said Indians or Indian tribes, according to such treaties, fifty-five cents per acre for each acre remaining unsold in said reserves.

SEC. 2. *And be it further enacted,* That immediately after the passage of this act, the Commissioner of the General Land Office shall proceed to close the current land business in said State, and by or before the *thirty-first of October*, eighteen hundred and fifty-two, shall transfer to the Governor of the State of Ohio, or such person as he shall designate for that purpose, all the archives of every kind relating to lands within the State of Ohio, now in the district land offices in that State, *except the applications for purchase which shall be transferred to the General Land Office*, and all the lands now belonging to the Chillicothe district which lie within the State of Indiana, shall be attached to, and subject to sale at the Jeffersonville district of that State, and the archives relating to those lands shall be turned over to the land officers of that district.

SEC. 3. *And be it further enacted,* That the lands granted by this act shall remain charged with all the liabilities and equities to which they are now subject; and the Legislature of said State shall make all necessary arrangements for discharging those liabilities, and satisfying those equities.

*Statement of Public Land sold, and otherwise disposed of, to the 30th of September, 1851; showing, also, the Lands remaining unsold and undisposed of at that date.*

States and Territories.	Areas of the land States and Territories.		Acres sold up to Sept. 30, 1851.	Receipts for lands sold to Sept. 30, 1851.	Grants for schools, &c.	For deaf and dumb asylums.	For internal improvements.	To individuals and companies.	For seats of government, &c.
	Sq. miles.	Acres.							
Ohio	39,964	29,516,960	12,613,909.46	\$20,553,694.33	737,528	-	1,243,001.77	32,141.24	-
Indiana	33,809	21,617,760	15,948,790.70	21,870,255.57	673,357	-	1,609,861.61	843.44	2,560
Illinois	55,405	35,459,200	15,932,150.58	20,491,174.17	(b) 1,001,795	-	500,000.00	954.34	2,560
Missouri	67,389	43,123,200	10,516,236.95	13,674,258.62	1,222,179	-	500,000.00	-	2,560
Alabama	(a) 50,043	(a) 32,027,490	11,534,223.54	17,722,124.74	925,814	21,949.46	500,000.00	1,081.53	1,620
Mississippi	(a) 37,327	(a) 23,205,628	(a) 9,851,354.94	(a) 12,811,656.54	680,624	-	500,000.00	15,965.31	1,280
Louisiana	46,431	21,715,840	3,429,140.67	4,405,349.31	832,124	-	500,000.00	8,412.96	-
Michigan	56,343	35,905,520	9,300,394.99	11,704,697.76	1,113,477	-	500,000.00	4,080.00	13,200
Arkansas	52,192	31,406,720	3,246,965.03	4,071,121.73	932,540	2,037.43	500,000.00	139,366.25	10,600
Florida	59,268	37,931,520	1,096,326.65	1,294,973.52	954,583	20,924.22	500,000.00	52,114.00	6,240
Iowa	50,914	32,544,960	2,735,752.04	3,402,878.68	951,224	-	(c) 223,078.22	18,220.49	3,480
Wisconsin	53,924	34,511,360	4,969,726.10	6,271,321.13	1,004,728	-	858,400.00	3,705.82	6,400
California	188,981	120,947,840	-	-	-	-	500,000.00	-	-
Minnesota Territory	83,000	53,129,000	15,740.16	19,896.95	2,997,191	-	-	-	-
Oregon Territory	341,463	218,536,920	-	-	12,186,987	-	-	-	-
New Mexico Ter.	210,744	134,876,160	-	-	7,433,190	-	-	-	-
Utah Territory	187,923	120,270,720	-	-	6,631,707	-	-	-	-
Northwest Territory	587,564	376,040,560	-	-	-	-	-	-	-
Nebraska Territory	136,700	87,438,000	-	-	-	-	-	-	-
Indian Territory	127,171	119,789,440	-	-	-	-	-	-	-
Total	9,526,462	1,616,935,594	101,033,940.85	\$138,563,266.25	40,558,978	(b) 44,971.11	9,086,341.69	279,792.07	50,800

  

States and Territories	For military services.	Reserved for salines.	Reserved for benefit of Indians.	Reserved for companies, corporations, &c.	Confirmed private claims.	Swamp lands granted to the States.	Central railroad grant.	Total of acres unsold and unappropriated of offered and unoffered lands on the 30th Sept., 1851.
Ohio	1,564,997.96	24,216	16,330.73	(d) 8,805,976.00	26,450.60	303,329.00	-	210,070.04
Indiana	819,756.61	23,040	126,220.71	149,102.00	329,880.53	931,682.00	-	1,002,665.40
Illinois	5,685,640.30	121,529	48,989.69	-	185,001.61	1,833,412.34	2,246,400	7,996,757.24
Missouri	1,443,853.20	46,980	22,567.61	-	1,362,455.10	1,517,287.00	-	26,489,661.14
Alabama	169,680.00	22,020	2,542,378.82	-	2,003,366.65	436,456.00	230,400	15,426,566.00
Mississippi	70,002.25	-	277,612.04	-	688,033.25	2,239,987.00	519,140	8,841,239.17
Louisiana	367,160.00	-	-	-	2,002,903.91	8,877,998.54	-	13,547,789.86
Michigan	305,996.97	46,080	109,300.83	-	126,711.25	4,544,189.00	-	19,012,179.96
Arkansas	1,358,685.31	46,080	-	-	118,451.12	4,707,673.00	-	22,244,261.86
Florida	43,080.00	-	227.49	305.75	1,939,789.00	562,170.00	-	32,845,759.89
Iowa	2,377,155.06	40,030	119,182.34	-	-	33,813.00	-	25,474,607.48
Wisconsin	1,769,938.17	46,020	137,894.27	-	36,880.00	1,230,369.00	-	24,416,337.65
California	-	-	-	-	-	-	-	120,447,840.00
Minnesota Territory	42,920.00	-	-	-	-	-	-	50,014,148.84
Oregon Territory	-	-	-	-	-	-	-	206,349,333.00
New Mexico Ter.	-	-	-	-	-	-	-	127,383,040.00
Utah Territory	-	-	-	-	-	-	-	113,589,013.00
Northwest Territory	-	-	-	-	-	-	-	376,040,000.00
Nebraska Territory	-	-	-	-	-	-	-	87,483,003.00
Indian Territory	-	-	-	-	-	-	-	119,789,440.00
Total	16,019,065.83	422,325	3,400,725.53	8,955,383.75	7,123,363.21	(e) 27,397,260.52	(f) 3,025,920	1,399,586,140.53

(a) Exclusive of Chickasaw cession.

(b) Grant not finally closed.

(c) The State has alleged a claim for the estimated quantity of 900,000 acres, in addition to this amount, for land situated above the Reconn Fork, in virtue of the grant of lands on the Des Moines river.

(d) Acres reported by the Surveyor General.

(e) Connecticut reserve

Virginia military reservation

Sydney's purchase

Ohio Company's purchases

3,686,921

3,705,848

254,608

1,144,599

8,805,976

(f) Estimated